

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>MARC E. OLIVER, d/b/a GULF COAST ENVIRONMENTAL AND RECOVERY, and T.M. JEMISON CONSTRUCTION CO. INC. d/b/a JEMISON MARINE, INC., Plaintiffs,</b>	: : : :	<b>CA 11-0223-KD-C</b>
<b>MIDSOUTH BANK, N.A., Plaintiff/Counter-Defendant</b>	:	<b>IN ADMIRALTY <i>In Personam and In Rem</i></b>
<b>vs.</b>	:	
<b>M/V BARBARY COAST, her engines, tackle, furniture, and appurtenances, etc., <i>In Rem</i>, and RODD CAIRNS, an individual, and ATCHAFALAYA MARINE, LLC, <i>In personam</i>, Defendants/Counter-Plaintiffs/ Third-Party Plaintiffs,</b>	: : : : : :	
<b>vs.</b>	:	
<b>EAGLE RIVER TOWING, L.L.C., p/k/a or a/k/a EAGLE INLAND TOWING, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, LOUISIANA LIMESTONE &amp; LOGISTICS, L.L.C., and CURTIS BUFORD, Third-Party Defendants.</b>	: : : : : :	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 30, 2012 is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Third-Party Plaintiff Rodd Cairns' appeal *in forma pauperis* (Doc. 280) is not taken in good faith, 28 U.S.C. § 1915(a)(3), and as such, the motion (Doc. 280) is hereby **DENIED**.

**DONE and ORDERED** this the **18<sup>th</sup>** day of **September 2012**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**